



Order Filed on October 21, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-1

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In re:

NEW ENGLAND MOTOR FREIGHT, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

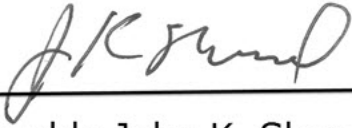
Case No. 19-12809 (JKS)

(Jointly Administered)

**ORDER SUSTAINING THE LIQUIDATING TRUSTEE'S TENTH  
OMNIBUS OBJECTION TO CERTAIN CLAIMS TO BE REDUCED  
AND/OR RECLASSIFIED, OR DISALLOWED ENTIRELY**

The relief set forth on the following pages, numbered two (2) through four (4), and Exhibit A, is hereby **ORDERED**.

**DATED: October 21, 2022**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

<sup>1</sup> The Debtors in these Chapter 11 Cases (as defined herein) and the last four digits of each Debtor's taxpayer identification number are as follows: New England Motor Freight, Inc. (7697); Eastern Freight Ways, Inc. (3461); NEMF World Transport, Inc. (2777); Apex Logistics, Inc. (5347); Jans Leasing Corp. (9009); Carrier Industries, Inc. (9223); Myar, LLC (4357); Mylon, LLC (7305); Hollywood Avenue Solar, LLC (2206); United Express Solar, LLC (1126); and NEMF Logistics, LLC (4666).

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Upon the tenth omnibus objection [Docket No. 1641] (the "Omnibus Objection")<sup>2</sup> of the Liquidating Trustee in the above-captioned Chapter 11 Cases seeking entry of an order, pursuant to the Plan, sections 105(a) and 502 of the Bankruptcy Code, Bankruptcy Rule 3007, and Local Rules 3007-1 and 3007-2, reducing and/or reclassifying, or disallowing entirely (as applicable), the Disputed Claims listed on Exhibit A to this Order, and allowing (if applicable) such Disputed Claims as set forth on Exhibit A to this Order, for the reasons set forth in the Omnibus Objection; and the Court having jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334; and venue being proper before the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and consideration of the Omnibus Objection being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that proper and adequate notice of the Omnibus Objection has been given and that no other or further notice is necessary; and upon the record herein; and the Court having determined that the relief sought by the Omnibus Objection is in the best interests of the Liquidating Trustee, their estates, and creditors; and after due deliberation and good and sufficient cause appearing therefor;

**IT IS HEREBY ORDERED THAT:**

1. The Omnibus Objection is SUSTAINED as set forth herein.
2. The Disputed Claims listed on Exhibit A attached to this Order are hereby reduced and/or reclassified, and allowed (if applicable) in such reduced and/or reclassified amount, as set forth in the corresponding row associated with each such Disputed Claim in the sub-columns under the column entitled, "Proposed Treatment", on Exhibit A to this Order. Notwithstanding the foregoing, any Disputed Claim for which no amount is indicated in either such sub-column is hereby deemed disallowed and expunged in its entirety.

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Omnibus Objection.

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3. The hearing on the Omnibus Objection shall be adjourned to November 22, 2022 at 10:00 a.m. (ET) or such other date as may be determined by the parties or the Court, solely to the extent the Omnibus Objection relates to: (i) Proof of Claim No. 913 filed by Walmart Inc., (ii) Proof of Claim No. 1370 filed by Mansfield Oil Company of Gainesville, Inc., and (iii) Proof of Claim No. 1372 filed by Petroleum Traders Corporation (collectively, the “Adjourned Claims”). The deadline for holders of Adjourned Claims to file any responses to the Omnibus Objection shall be seven (7) days prior to the adjourned hearing date.

4. For the avoidance of doubt, nothing in the Omnibus Objection or this Order shall be deemed or construed to (a) constitute an admission as to the validity or priority of any claim against the Liquidating Trustee, (b) an implication or admission that any particular claim is of a type specified or defined in this Order or the Omnibus Objection, and/or (c) constitute a waiver of the Liquidating Trustee's rights to dispute any claim on any grounds.

5. The Liquidating Trustee, its claims and noticing agent (Donlin Recano and Company, Inc.), and the Clerk of this Court are authorized to take any and all actions that are necessary or appropriate to give effect to this Order.

6. The objection to each claim addressed in the Omnibus Objection and as set forth on Exhibit A attached hereto constitutes a separate contested matter as contemplated by Bankruptcy Rule 9014. This Order shall be deemed a separate order with respect to each claim that is the subject of the Omnibus Objection and this Order. Any stay of this Order pending appeal by any claimants whose claims are subject to this Order shall only apply to the contested matter that involves such claimant and shall not stay the applicability and/or finality of this Order with respect to any other contested matters addressed in the Omnibus Objection and this Order.

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7. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Omnibus Objection or otherwise waived.

8. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

9. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

**EXHIBIT A**

**CLAIMS TO BE REDUCED AND/OR RECLASSIFIED, OR DISALLOWED ENTIRELY**

Claims as Asserted						Proposed Treatment	
Debtor Name	Creditor Name & Address	Date Filed	Claim No.	Claim Amount	Claim Class	Allowed Amount as Administrative Expense Claim	Class 5A General Unsecured Claim
NEW ENGLAND MOTOR FREIGHT, INC.	BRIDGESTONE AMERICAS TIRE OPERATIONS LLC WALLER LANSDEN DORTCH AND DAVIS LLP BLAKE D ROTH 511 UNION ST STE 2700 NASHVILLE TN 37219	4/30/2019	229	\$ 81,465.07	Administrative - 503(b)(9)	\$ 68,410.04	\$ 13,055.03
NEW ENGLAND MOTOR FREIGHT, INC.	ELECTRIC BATTERY CO LLC PAUL WIOROWSKI 178 15 EVELETH RD JAMAICA NY 11434-3405	5/23/2019	536	\$ 5,521.29	Administrative - 503(b)(9)	\$ 224.44	\$ 5,296.85
NEW ENGLAND MOTOR FREIGHT, INC.	EMPACO EQUIPMENT CORP KRISTOPHER IMMEL RODERICK LINTON BELFANCE LLP 50 S MAIN ST 10TH FLOOR AKRON OH 44308	6/18/2019	1072	\$ 13,104.47	Administrative - 503(b)(9)	\$ 12,921.81	\$ 182.66
NEW ENGLAND MOTOR FREIGHT, INC.	FASTENAL CO JOHN MILEK 2001 THEURER BLVD WINONA MN 55987	6/3/2019	644	\$ 2,900.37	Administrative - 503(b)(9)	\$ 2,736.16	\$ 164.21
NEW ENGLAND MOTOR FREIGHT, INC.	GOETZ ENERGY CORP TIMOTHY P LYSTER ESQ WOODS OVIATT GILMAN LLP 1900 BAUSCH & LOMB PL ROCHESTER NY 14604	6/17/2019	990	\$ 39,422.69	Administrative - 503(b)(9)	\$29,236.82	\$ 10,185.87
NEW ENGLAND MOTOR FREIGHT, INC.	GOODYEAR TIRE AND RUBBER LAW DEPT SHARON L MAXFIELD 200 INNOVATION WY AKRON OH 44316	6/18/2019	1058	\$ 2,658.53	Administrative - 503(b)(9)	\$ 2,199.85	\$ 458.68
NEW ENGLAND MOTOR FREIGHT, INC.	IPC USA INC HELEN SURH 4 HUTTON CENTRE DR STE 700 SANTA ANA CA 92707	6/18/2019	1127	\$ 242,855.04	Administrative - 503(b)(9)	\$ 162,272.18	\$ 80,582.84
NEW ENGLAND MOTOR FREIGHT, INC.	OWENS AND SONS MARINE KIMBERLY FIELDS 3601 8TH AVE SOUTH ST PETERSBURG FL 33711-2203	5/31/2019	693	\$ 596.36	Administrative - 503(b)(9)	\$ -	\$ 596.36
NEW ENGLAND MOTOR FREIGHT, INC.	PALMERTON AUTO PARTS MICHAEL S MUMMEY 406 DELAWARE AVE PALMERTON PA 18071	5/24/2019	559	\$ 12,293.68	Administrative - 503(b)(9)	\$ 12,080.98	\$ 212.70

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Claims as Asserted						Proposed Treatment	
Debtor Name	Creditor Name & Address	Date Filed	Claim No.	Claim Amount	Claim Class	Allowed Amount as Administrative Expense Claim	Class 5A General Unsecured Claim
NEW ENGLAND MOTOR FREIGHT, INC.	PILOT TRAVEL CENTERS LLC CIARDI CIARDI AND ASTIN WALTER W GOULDSBURY III ESQ 52 HADDONFIELD BERLIN RD STE 1000 CHERRY HILL NJ 08034	6/17/2019	1028	\$ 39,697.20	Administrative - 503(b)(9)	\$ 29,760.52	\$ 9,936.68
NEW ENGLAND MOTOR FREIGHT, INC.	SUPERIOR DISTRIBUTORS CO INC DREW JORDAN 4 MIDLAND AVE ELMWOOD PARK NJ 07407	2/27/2019	20	\$ 46,744.42	Administrative - 503(b)(9)	\$ 16,524.57	
				\$ 226,366.04	General Unsecured	\$ -	\$ 256,585.89
NEW ENGLAND MOTOR FREIGHT, INC.	VALVOLUME LLC VORYS SATER SEYMOUR AND PEASE LLP TIFFANY STRELOW COBB 52 E GAY ST COLUMBUS	6/13/2019	854	\$ 43,770.06	Administrative - 503(b)(9)	\$ 40,521.32	\$ 3,248.74
<b>TOTAL EXPUNGED CLAIMS:</b>						<b>\$ 376,888.69</b>	<b>\$ 380,506.51</b>